

EXHIBIT 11

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, et al.,
individually and on behalf of a class of
all others similarly situated,

Plaintiffs,

vs.

1:18-cv-00719-CCR

CITY OF BUFFALO, N.Y., et al.,

Defendants.

ORAL EXAMINATION OF AARON YOUNG

APPEARING REMOTELY FROM

BUFFALO, NEW YORK

Wednesday, October 26, 2022

9:00 a.m. - 2:15 p.m.

pursuant to notice

REPORTED BY:

Luanne K. Howe

APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

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716-853-5544

1 A I believe they assisted in the housing areas, yes.

2 Q To your knowledge, did the Housing Unit run
3 checkpoints on its own without the Strike Force?

4 A I'm not sure. I wasn't --

5 Q Did the Housing Unit checkpoints have the same
6 programmatic purpose as the Strike Force checkpoints?

7 MR. SAHASRABUDHE: Form.

8 A I can't answer that. I don't know.

9 Q Did the Housing Unit issue directives when it ran
10 checkpoints without the Strike Force?

11 MR. SAHASRABUDHE: Form.

12 A I'm unaware of that.

13 Q Did you as chief ever direct the housing unit to
14 issue checkpoint directives when it ran checkpoints?

15 A No.

16 Q And the goal of the checkpoints was to enforce
17 provisions of the vehicle and traffic law, right?

18 MR. SAHASRABUDHE: Form.

19 A That is correct.

20 Q Did you ever take any steps to ensure that officers
21 were making roadblocks obvious with overhead flashing
22 lights?

23 A No, I did not personally.

1 A Yeah, if you'd just give me a moment.

2 Q Sure.

3 A Okay.

4 Q Okay. And just so you know, we're going to look at a
5 few of these, and in most cases -- really in all
6 cases, I'm just going to be asking you about parts
7 that pertain to the Strike Force and Housing Unit.
8 I'm not going to ask you for information related to
9 the Schools part of the report.

10 A Okay.

11 Q So this first page is identified as COB228535. And
12 sorry I have to move it around a little bit just to
13 fit it on the screen. So the date is June 20, 2016,
14 and it's from you.

15 And do you recall drafting and sending these
16 reports?

17 A Uh-huh.

18 Q So in this report, you are reporting that the Strike
19 Force is focusing on the hotspots of C and E
20 Districts, right?

21 A Correct.

22 Q And those are on the east side of Buffalo, right?

23 A Correct.

1 Q And you list nine different locations where
2 checkpoints took place, and those would all be at C
3 and E District hotspots?

4 MR. SAHASRABUDHE: Form.

5 A C and E locations. I don't know if they were
6 hotspots. I can't say at this time if they were
7 hotspots then. I don't have that information.

8 Q Do you have any memory if those intersections were
9 hotspots?

10 A I don't.

11 Q So what would be the purpose of running a checkpoint
12 in a crime hotspot?

13 MR. SAHASRABUDHE: Form.

14 A It would just -- to deter illegal activity, shots --
15 prevent shots fired or any, you know, loitering in
16 front of stores or, you know, numerous reasons.

17 Q And how would the checkpoints do that?

18 A Well, from --

19 MR. SAHASRABUDHE: Form.

20 A Well, for visibility of officers being in the area.

21 Q In this report, you also mentioned that the Strike
22 Force cars had been focusing around a boys and girls
23 club due to increased complaints of gang activity,

1 and you mentioned that a handgun had been recovered
2 at a previous checkpoint at that location?

3 A Correct.

4 Q Did you report on any traffic safety benefits of the
5 checkpoints?

6 A Not in this report.

7 Q So I'm going to scroll down to the next report. This
8 one is from July 2016, and the identification is
9 COB245589. And I will let you take a minute to read
10 it.

11 A Okay. Okay.

12 Q Okay. So you stated, "Checkpoints and patrols are
13 being implemented in areas with increased calls for
14 service for priority 1 and 2 calls and areas with
15 increased gang activity."

16 What are priority 1 and 2 calls?

17 A Priority 1 calls would be shots fired, shootings,
18 robbery, type 911 calls for services from citizens.

19 Q And priority 2?

20 A Same -- well, same thing, robberies, burglaries of
21 homes.

22 Q So what's the difference between priority 1 and
23 priority 2?

1 A Priority 1 calls are, like I mentioned, the shootings
2 or the shots fired. They would receive -- we
3 can't -- so dispatch has to put those calls out
4 immediately. And district patrol would have to
5 respond and who's ever in the area or the Strike
6 Force or district patrols would have to respond for
7 those type calls.

8 Q So what would be the reason to implement checkpoints
9 in areas with increased calls for service for
10 priority 1 and 2 calls?

11 MR. SAHASRABUDHE: Form.

12 A To prevent further shootings, retaliations from
13 shootings and shots fired and to prevent homicides.

14 Q So that's not related to traffic safety, is it?

15 MR. SAHASRABUDHE: Form.

16 A I can't answer that.

17 Q Why would checkpoints be implemented in areas with
18 increased gang activity?

19 A In the hopes of preventing the shootings and shots
20 fired and any type of gang violence within that area.

21 Q Were you also hoping to be able to stop and search
22 gang members who would pass through the checkpoint?

23 MR. SAHASRABUDHE: Form.

1 A I can't answer that.

2 Q Were you hoping to find people with outstanding
3 warrants at checkpoints?

4 MR. SAHASRABUDHE: Form.

5 A I can't answer that.

6 Q So you also stated that the most active area for
7 Strike Force patrols and checkpoints were the C
8 District GIVE area and the Central Park area of E
9 District. So what was the C District GIVE area?

10 A The GIVE area is a -- it was a grant -- so GIVE is a
11 state grant from the New York State Division of
12 Criminal Justice Services that focuses on preventing
13 shootings and shots fired within a given district in
14 the City of Buffalo.

15 Q And what does GIVE stand for?

16 A Gun Involved Violence Elimination, I believe.

17 Q And was it the case that the GIVE funding was
18 targeted to certain identified hotspots?

19 A I can't answer that.

20 Q And what was the Central Park area of E District?

21 A It would -- Central Park would encompass -- it's
22 huge. I'm from Central Park, so I should know. I
23 still live -- north or south of Main to, say,

1 Humboldt -- I don't know if you're familiar with the
2 City of Buffalo, but it's -- being from there, it's
3 easy, but telling someone it's -- so it's numerous
4 streets. We are going south of Main and like east of
5 Humboldt Parkway in the City of Buffalo.

6 Q So with this, you intended to refer to the Central
7 Park neighborhood?

8 A Yes.

9 Q And you weren't referring to the part of the E
10 District that's controlled by the Central Park Gang?

11 A No.

12 Q Okay. In this email, you identified seven locations
13 where checkpoints were run, and all of these are on
14 the east side of Buffalo, right?

15 A Yes.

16 Q And you pointed out there was a gun arrest at one
17 location, right?

18 A Yes.

19 Q Did you report on any traffic safety benefits of the
20 checkpoints?

21 MR. SAHASRABUDHE: Form.

22 A Not in this email, no, I did not.

23 Q So the next report is dated September 13, 2016. You

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1 can take a minute to read it.

2 A Okay. Okay.

3 Q So near the bottom, you stated, "Strike Force has
4 resumed conducting checkpoints in various areas
5 throughout the city. Several of the checkpoints have
6 been conducted along the Genesee/Theodore area due to
7 the rash of shots fired in this vicinity."

8 So this would be another example of running
9 checkpoints in order to address gun violence, right?

10 MR. SAHASRABUDHE: Form.

11 A High visibility patrols.

12 Q I'm not sure that I -- that was an answer to my
13 question.

14 A Oh, no, I was expanding on my answer. Also as part
15 of high visibility patrols in this area.

16 Q I see. So your testimony is that these checkpoints
17 would have been run to address gun violence and to
18 provide high visibility patrols?

19 A Yes.

20 MR. SAHASRABUDHE: Form.

21 Q And Genesee/Theodore is also on the east side of
22 Buffalo, right?

23 A Yes.

1 Q I'm going to look at the next report, which is
2 November 8, 2016. And you can look just at the part
3 that says "Housing/Strike Force."

4 A Okay. Okay.

5 Q And you wrote, "Strike Force units have focused
6 patrols and checkpoints within the shooting hotspots
7 of C and E Districts"?

8 A Correct.

9 Q So would this be another instance where the purpose
10 of the checkpoints was to reduce gun violence and for
11 high visibility?

12 MR. SAHASRABUDHE: Form.

13 A Yes.

14 Q And the C and E Districts are on the east side of
15 Buffalo, right?

16 A Yes.

17 Q So we will go to the next one. It's dated
18 February 20, 2017, and I will give you a minute to
19 read it.

20 A Okay. Okay.

21 Q Okay. And you wrote, "Due to several shootings over
22 the weekend Strike Force will target known gang
23 members in these areas while conducting safety

1 checkpoints and increased patrols."

2 So how would -- how would the Strike Force use
3 checkpoints to target known gang members?

4 MR. SAHASRABUDHE: Form.

5 A Well, by assisting patrol, like I said, with high
6 visibility, and if known gang members were observed
7 by officers, we would hope that they would not engage
8 in gang activities.

9 Q And how specifically would the checkpoints be
10 involved in that?

11 MR. SAHASRABUDHE: Form.

12 A Just high visibility in the area where gang members
13 may frequent.

14 Q So the idea would be that you would run a checkpoint
15 in an area that was a known gang area?

16 MR. SAHASRABUDHE: Form.

17 A Throughout the -- if the officers felt that it was
18 necessary due to the shots fired or shootings in that
19 area.

20 Q Okay. So I'll move to the next report which is dated
21 March 27, 2017. Let me scroll down a little bit.

22 A Okay.

23 Q You wrote, "Safety checkpoints continue to be

1 implemented within the five Districts as a proactive
2 violence prevention strategy. During several
3 checkpoints Strike Force officers have been able to
4 conduct field interviews of several gang members who
5 were occupants of vehicles."

6 So my first question is what is a proactive
7 violence prevention strategy?

8 A It's increased patrols within the neighborhood which
9 prevents crime and criminal activity, so it was just
10 officers being visible and basically, you know,
11 addressing even foot patrols in the area as part of
12 high visibility, so that's what that entails.

13 Q Is the idea to prevent violence before it happens?

14 MR. SAHASRABUDHE: Form.

15 A Yes.

16 Q And in this case, you're saying that the checkpoints
17 were used as part of that strategy.

18 MR. SAHASRABUDHE: Form.

19 Q So I'm just confirming that the goal of these
20 checkpoints was to be visible, to reduce crime,
21 prevent it from happening?

22 MR. SAHASRABUDHE: Form.

23 A And for vehicle safety, yes.

1 Q Okay. And you also mentioned that the Strike Force
2 officers were able to conduct field interviews of
3 gang members who were occupants of vehicles. Can you
4 tell me more about how that would happen?

5 MR. SAHASRABUDHE: Form.

6 A During their routine traffic stop, if a gang member
7 which was known to those officers were an occupant of
8 that vehicle, this would include that.

9 Q Okay. And in this case, this was not happening at a
10 routine traffic stop but at a checkpoint, right?

11 MR. SAHASRABUDHE: Form.

12 A I would have to read it again. Give me one second.

13 Q Uh-huh.

14 A According to this email, it was during a safety
15 checkpoint, yes.

16 Q Do you think that checkpoints were successful in
17 proactively preventing violence?

18 MR. SAHASRABUDHE: Form.

19 A It has its -- I think it prevented crime, yes.

20 Q You didn't mention any traffic safety benefits of the
21 checkpoints in this report, did you?

22 A I don't see it, no.

23 Q The next report is dated March 21, 2017.

1 A Okay.

2 Q And you wrote that the Strike Force conducted
3 checkpoints with an emphasis on visibility and gang
4 intervention in the most problematic locations.

5 A Okay.

6 Q What did you mean by "the most problematic
7 locations"?

8 MR. SAHASRABUDHE: Form.

9 A Well, the areas where the city at that time had been
10 seeing increase in shootings and shots fired
11 specifically in those areas.

12 Q I'm going to go to the next weekly report, which is
13 dated April 4, 2017.

14 A Okay.

15 Q And here you reported running checkpoints within
16 hotspot areas focusing on areas with recent gun
17 violence, right?

18 A Correct.

19 Q And you did not report on running checkpoints for
20 traffic safety purposes --

21 MR. SAHASRABUDHE: Form.

22 Q -- did you?

23 A I did not.

1 Q And I will move to the next report, which is dated
2 April 25, 2017.

3 A Okay.

4 Q And in this report, you stated that the Strike Force
5 was running checkpoints within the most violent
6 hotspots especially the C and E GIVE areas due to
7 recent homicides, right?

8 A That's correct.

9 Q So why would you choose to run a checkpoint in
10 response to recent homicides?

11 MR. SAHASRABUDHE: Form. Are you asking
12 about him or just generally?

13 MS. WILNER: I'm asking why would the
14 Strike Force run a checkpoint in response to
15 recent homicides.

16 A As a violence prevention strategy so there would be
17 no other shots fired or citizens shot in that area.

18 Q I'm going to stop the share now. That was the last
19 report.

20 And so is the worry that if there were
21 shootings, then those could engender other shootings
22 in retaliation or in reaction?

23 A Retaliation is a possibility. So most -- so a lot of

1 times in police work, being visible will prevent
2 further shootings. So that is part of a strategy of
3 law enforcement, that's correct.

4 Q Now, the vast majority of people who pass through the
5 roadblock would have nothing to do with these
6 shootings or homicides, right?

7 A I can't answer that.

8 Q So you think that of the people passing through
9 roadblocks, they were -- well, strike that.

10 Wouldn't you agree that the most -- most of the
11 people who pass through the roadblocks are simply the
12 people who live in an area and are driving down the
13 street at the time that the roadblock is being run?

14 MR. SAHASRABUDHE: Form.

15 A In probability, yes. I don't think everyone that
16 passes through a safety checkpoint are criminals, no,
17 I don't.

18 Q I mean of the people that pass through the
19 checkpoints, how -- like what percentage would you
20 think are criminals?

21 A I can't --

22 MR. SAHASRABUDHE: Form.

23 A -- answer that. I couldn't give you a number.

1 Q It could be anything between zero and a hundred?

2 A It could be any, yeah.

3 Q Do you think more than half of people running through
4 checkpoints are criminals?

5 MR. SAHASRABUDHE: Form.

6 A I don't think that personally, no.

7 Q Isn't it possible that not a single person passing
8 through a checkpoint is a criminal?

9 MR. SAHASRABUDHE: Form.

10 A It's possible, yes.

11 Q I mean, hundreds of people would pass through these
12 checkpoints, right?

13 MR. SAHASRABUDHE: Form.

14 A I believe so, yes.

15 Q How many of those hundreds of people do you think
16 were criminals?

17 MR. SAHASRABUDHE: Form.

18 A I couldn't guesstimate a number for you. I can't
19 answer that.

20 Q Do you think it's appropriate to subject regular
21 citizens to suspicionless stops just in response to
22 recent homicides?

23 MR. SAHASRABUDHE: Form.

1 A I can't answer that.

2 Q Well, I'm asking for your opinion.

3 MR. SAHASRABUDHE: Form. He answered.

4 Q What about my question makes it so that you can't
5 answer it?

6 A I can't -- you're asking opinion on crime, and so
7 when there's crime in an area, officers being
8 proactive in that area, I don't -- I mean, there are
9 regular citizens in the area, and so I don't think
10 there's a number you can put on who's doing criminal
11 activity. There's no -- there's no number for that.

12 Q So you agree that every person who passes through a
13 checkpoint is stopped without any individualized
14 suspicion, right?

15 MR. SAHASRABUDHE: Form.

16 A Right.

17 Q And my question is do you think that it's appropriate
18 to subject people, ordinary citizens, to
19 suspicionless stops as a response to recent homicides
20 in an area?

21 MR. SAHASRABUDHE: Form.

22 A I can't answer that question.

23 Q Is there something about the question that you don't

1 STATE OF OHIO)

2 COUNTY OF CUYAHOGA)

3 I, Luanne K. Howe, Notary Public, in and for the
4 County of Cuyahoga, State of Ohio, do hereby certify:

5 That the witness whose testimony appears
6 hereinbefore was, before the commencement of his testimony,
7 duly sworn to testify the truth, the whole truth and nothing
8 but the truth; that said testimony was taken remotely
9 pursuant to notice at the time and place as herein set
10 forth; that said testimony was taken down by me and
11 thereafter transcribed into typewriting, and I hereby
12 certify the foregoing transcript is a full, true and correct
13 transcription of my shorthand notes so taken.

14 I further certify that I am neither counsel for
15 nor related to any party to said action, nor in any way
16 interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name and affixed my seal this 2nd day of November, 2022.

19
20
21 Luanne K. Howe
Notary Public - State of Ohio

22 My commission expires 10-07-24
23

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